

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By **CHAIRMAN MARK NOENNIG**, on February 15, 2001 at 3:00 P.M., in Room 472 Capitol.

ROLL CALL

Members Present:

Rep. Mark Noennig, Chairman (R)
Rep. Rod Bitney, Vice Chairman (R)
Rep. Jeff Mangan, Vice Chairman (D)
Rep. Joan Andersen (R)
Rep. Eileen Carney (D)
Rep. Larry Cyr (D)
Rep. John Esp (R)
Rep. Dennis Himmelberger (R)
Rep. Hal Jacobson (D)
Rep. Rick Laible (R)
Rep. Jesse Laslovich (D)
Rep. Bob Lawson (R)
Rep. Michelle Lee (D)
Rep. Brad Newman (D)
Rep. Ken Peterson (R)
Rep. William Price (R)
Rep. James Whitaker (R)
Rep. Cindy Younkin (R)

Members Excused: None.

Members Absent: None.

Staff Present: Eddye McClure, Legislative Branch
Pati O'Reilly, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 423; HJ 24; HB 439: HB 440;
HB 371;, 2/8/2001
Executive Action: HB 371; HJ 24; HB 439; HB 440;
HB 423

HEARING ON HB 423

Sponsor: Rep. Tom Dell, HD 19

Proponents: Ron Alles, Admin. Officer, City of Helena
Gordon Morris, MACO
Chuck Brooks, Yellowstone County
John Blacker, Dept. of Transportation

Opponents: None

Opening Statement by Sponsor: Rep. Tom Dell introduced HB 423. This bill would allow counties to transfer responsibility of a county road to a state or federal agency. More roads could remain open and allow better access during fire season. ***{Tape : 1; Side : A; Approx. Time Counter : 0 - 1.5}***

Proponents' Testimony:

Ron Alles, Adm. Officer City of Helena. Lewis and Clark Commissioners are in favor of this bill. It gives the opportunity to consider transferring the road to the another agency. ***{Tape : 1; Side : A; Approx. Time Counter : 1.5 - 2.3}***

Gordon Morris, MACO. We support this bill. ***{Tape : 1; Side : A; Approx. Time Counter : 2.3 - 2.8}***

Chuck Brooks, Yellowstone County. They support this bill. **EXHIBIT (loh38a01) {Tape : 1; Side : A; Approx. Time Counter : 2.8 - 3.5}**

John Blacker, Dept. of Transportation, maintenance department. We would like to work with Rep. Dell on a couple of amendments. We feel the receiving agency should have the right to say NO if they do not want the road. ***{Tape : 1; Side : A; Approx. Time Counter : 3.5 - 7.5}***

Opponents' Testimony: None

Questions from Committee Members and Responses: Rep. Bitney, Esp, Peterson, Mangan and Noennig questioned the witnesses. They discussed the consequences of transferring these roads and what happens to the land when the new entity abandons it. Would this

transfer be made with a written agreement. Current law calls for public hearings and this process would fall under the current law. **{Tape : 1; Side : A; Approx. Time Counter : 7.5 - 25.7}**

Closing by Sponsor: Rep. Dell explains this bill offers the counties an option when abandoning roads. It would relieve the counties of the expense of abandoning the roads. **{Tape : 1; Side : A; Approx. Time Counter : 25.7 - 26.6}**

HEARING ON HJ 24

Sponsor: Rep. Wanzenried, HD 68

Proponents: Page Dringman, MT Association of Realtors
Dean Mack, Stillwater citizen

Opponents: None

Opening Statement by Sponsor: Rep. Wanzenried opened HJ 24. This is a study bill for annexation laws. **EXHIBIT(loh38a02){Tape : 1; Side : A; Approx. Time Counter : 26.6 - 26.9}**

Proponents' Testimony: Page Dringman, Assn. of Realtors. We support this bill. **{Tape : 1; Side : A; Approx. Time Counter : 26.7 - 30.1}**

Dean Mack, Stillwater County. I support this study. **{Tape : 1; Side : B; Approx. Time Counter : 0 - 1.7}**

Opponents' Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor: Rep. Wanzenried closed. **{Tape : 1; Side : B; Approx. Time Counter : 1.7 - 1.9}**

HEARING ON HB 439

Sponsor: Rep. Jacobsen, HD 54

Proponents: George Marble, Natl. Assn. of Housing, Helena Housing Authority
Dick Jennings, Helena Housing Authority
Rep. Price, HD 94

Opponents: None

Opening Statement by Sponsor: Rep. Jacobsen introduced this bill. This bill deals with the members of the board of housing authority. Current laws states two of the committee members must be citizens of the area and one citizen be a senior citizen. This bill would eliminate the criteria for the two public members. *{Tape : 1; Side : B; Approx. Time Counter : 1.9 - 5.9}*

Proponents' Testimony: George Marble, Helena Housing Authority. We stand in support of this bill. The current state law is difficult to administer and makes it almost impossible to get any public citizen to serve on the Board. This situation leads to non participation by the resident commissioners. **EXHIBIT**(loh38a03) *{Tape : 1; Side : B; Approx. Time Counter : 5.9 - 8.8}*

Dick Jennings, Helena Housing Authority, I support this bill. *{Tape : 1; Side : B; Approx. Time Counter : 8.8 - 11.5}*

Rep. Price, HD 94- I am here on behalf of Mr. Stienbiser of Richland County Commissioners. They support HB 439. *{Tape : 1; Side : B; Approx. Time Counter : 11.5 - 13.4}*

Opponents' Testimony: None

Questions from Committee Members and Responses: Rep. Mangan: Rep. Jacobsen, why are they removing the family member that lives in the housing? Rep. Jacobsen, it is difficult to get someone from that group to take the position.

Rep. Noennig: Mr. Marble, The language on line 19 concerns me. Two members must be residents of the housing authority and are known as resident commissioners, what does this mean. It doesn't make sense to me. Mr. Marble: The intent is to remove the requirement that the members are public housing residents.

Closing by Sponsor: Rep. Jacobsen closed HB 439. *{Tape : 1; Side : B; Approx. Time Counter : 13.4 - 20.3}*

HEARING ON HB 440

Sponsor: Rep. Jacobsen, HD 54

Proponents: Gordon Morris, MACO
Ron Alles, Lewis and Clark County

Opponents: None

Opening Statement by Sponsor: Rep. Jacobsen introduced HB 440. This bill is to make statutes consistent for a person filing for a county commissioner seat. Current law says they have to be a resident of the county for 2 years and a resident of their district on the day of the election. This bill would change the residency requirements for commissioner candidates. They would have to be a resident of the county and the district for 2 years. ***{Tape : 1; Side : B; Approx. Time Counter : 20.3 - 22.5}***

Proponents' Testimony:

Gordon Morris, MACO. We support this bill. ***{Tape : 1; Side : B; Approx. Time Counter : 22.5 - 22.8}***

Ron Alles, Lewis and Clark County. We support this bill. ***{Tape : 1; Side : B; Approx. Time Counter : 22.8 - 23.2}***

Opponents' Testimony: None

Questions from Committee Members and Responses: Reps. Younkin, Mangan, Bitney and Noennig questioned the witnesses. The discussion was about why add the 2 years district residency restriction. ***{Tape : 1; Side : B; Approx. Time Counter : 20.3 - 30} {Tape : 2; Side : A; Approx. Time Counter : 0 - 11.1}***

Closing by Sponsor: Rep. Jacobsen closed HB 440. ***{Tape : 2; Side : A; Approx. Time Counter : 11.1 - 12.5}***

HEARING ON HB 371

Sponsor: Rep. Lee, HD 26

Proponents: Steve Golnar, City Manager, Livingston
Tim Stevens, Vice Chair. Of Livingston Council
Alec Hanson, League of Cities and Towns.

Opponents: None

Opening Statement by Sponsor: Rep. Lee introduces HB 371. The intent of this bill is to include installment or replacement of sidewalks into the definition of maintenance and improvements as they exist under current law. {Tape : 2; Side : A; Approx. Time Counter : 14.5 - 15.9}

Proponents' Testimony: Steve Golnar, City Manager of Livingston. Passed out an exhibit which explained how the current law does not allow these funds to be used for sidewalks. We need this bill for our City. EXHIBIT(loh38a04) EXHIBIT(loh38a05){Tape : 2; Side : A; Approx. Time Counter : 15.9 - 18.3}

Tim Stevens, VC Livingston City Council. The City of Livingston supports this bill. EXHIBIT(loh38a06) {Tape : 2; Side : A; Approx. Time Counter : 18.3 - 20.9}

Alec Hanson, League of Cities and Towns. We support this legislation. {Tape : 2; Side : A; Approx. Time Counter : 20.9 - 24.3}

Opponents' Testimony: None

Questions from Committee Members and Responses: Reps. Noennig and Rep. Bitney questioned Mr. Golnar and Mr. Hanson. Are there other options for financing sidewalks? Mr. Hanson, None that are workable. {Tape : 2; Side : A; Approx. Time Counter : 24.3 - 30} {Tape : 2; Side : B; Approx. Time Counter : 0 - 12.3}

Closing by Sponsor: Rep. Lee closed by citing the need for sidewalks in the Livingston area. {Tape : 2; Side : B; Approx. Time Counter : 12.3 - 15.6}

EXECUTIVE ACTION ON HB 371

Motion/Vote: REP. LEE moved that HB 371 DO PASS. Motion carried 12-6 with Andersen, Bitney, Himmelberger, Laible, Noennig, and Yunkin voting no. {Tape : 2; Side : B; Approx. Time Counter : 21 - 30} {Tape : 3; Side : A; Approx. Time Counter : 0 - 8.1}

EXECUTIVE ACTION ON HJ 24

Motion/Vote: REP. LAWSON moved that HJ 24 DO PASS. Motion carried 17-1 with Bitney voting no. {Tape : 3; Side : A; Approx. Time Counter : 8.1 - 11.2}

EXECUTIVE ACTION ON HB 439

Motion/Vote: REP. JACOBSON moved that HB 439 DO PASS. Motion carried unanimously. {Tape : 3; Side : A; Approx. Time Counter : 11.2 - 16}

EXECUTIVE ACTION ON HB 440

Motion/Vote: REP. CARNEY moved that HB 440 DO PASS. Motion carried 13-5 with Bitney, Esp, Himmelberger, Newman, and Whitaker voting no. {Tape : 3; Side : A; Approx. Time Counter : 16 - 20.1}

EXECUTIVE ACTION ON HB 423

Motion: REP. LAWSON moved that HB 423 DO PASS.

Motion/Vote: REP. NOENNIG moved that HB 423 BE AMENDED. Motion carried unanimously.

Motion: REP. PETERSON moved that HB 423 BE AMENDED.

Substitute Motion: REP. MANGAN made a substitute motion that HB 423 BE AMENDED.

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Substitute Motion/Vote: REP. NOENNIG made a substitute motion that HB 423 BE POSTPONED UNTIL A LATER DATE. Substitute motion carried 16-2 with Cyr and Newman voting no. {Tape : 3; Side : A; Approx. Time Counter : 20.1 - 30}{Tape : 3; Side : B; Approx. Time Counter : 0 - 10.9}

ADJOURNMENT

Adjournment: 6:10 P.M.

REP. MARK NOENNIG, Chairman

PATI O'REILLY, Secretary

MN/PO

EXHIBIT (loh38aad)